



# House of Representatives

General Assembly

**File No. 402**

February Session, 2002

Substitute House Bill No. 5460

*House of Representatives, April 9, 2002*

The Committee on Judiciary reported through REP. LAWLOR of the 99th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

## **AN ACT CONCERNING FAMILY SUPPORT MAGISTRATES AND SENIOR JUDGES AND REFEREES.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (f) of section 46b-231 of the general statutes is  
2 repealed and the following is substituted in lieu thereof (*Effective*  
3 *October 1, 2002*):

4 (f) The Family Support Magistrate Division shall include [nine]  
5 thirteen family support magistrates who shall be appointed by the  
6 Governor to serve in that capacity for a term of three years. A family  
7 support magistrate may be reappointed upon completion of his term  
8 of office by the Governor. To be eligible for appointment, a family  
9 support magistrate must have engaged in the practice of law for five  
10 years prior to his appointment and shall be experienced in the field of  
11 family law. He shall devote full time to his duties as a family support  
12 magistrate and shall not engage in the private practice of law. A family  
13 support magistrate may be removed from office by the Governor for

14 cause.

15 Sec. 2. Subsection (g) of section 46b-231 of the general statutes is  
16 repealed and the following is substituted in lieu thereof (*Effective*  
17 *October 1, 2002*):

18 (g) A Chief Family Support Magistrate shall be designated by the  
19 Chief Court Administrator of the Superior Court from among the  
20 [nine] thirteen family support magistrates appointed by the Governor  
21 pursuant to subsection (f) of this section, as amended by this act.  
22 Under the direction of the Chief Court Administrator, the Chief Family  
23 Support Magistrate shall supervise the Family Support Magistrate  
24 Division and submit an annual report to the Chief Court Administrator  
25 and perform such other duties as provided in this section.

26 Sec. 3. Section 51-47b of the general statutes is repealed and the  
27 following is substituted in lieu thereof (*Effective October 1, 2002*):

28 (a) Each senior judge who has been designated and assigned by the  
29 Chief Justice or the Chief Court Administrator to perform judicial  
30 duties as a senior judge pursuant to the provisions of this section,  
31 sections 51-50, 51-50c to 51-50e, inclusive, 51-50i to 51-50k, inclusive,  
32 51-165, 51-198, as amended, 52-434a and 52-434b shall receive during  
33 the period he shall perform the judicial duties, in addition to his  
34 retirement salary, the compensation provided by law for a state referee  
35 for each day he so performs either judicial duties or duties as a referee  
36 or both.

37 (b) In no event shall the total of a retired judge's compensation,  
38 defined as retirement salary plus fees payable by the state for services  
39 as a senior judge or state referee for services rendered in any fiscal  
40 year, exceed the amount [equal to the highest salary on which his  
41 retirement salary is based during the fiscal year] of the annual salary  
42 payable pursuant to subsection (a) of section 51-47, as amended, as  
43 such salary may change from time to time.

This act shall take effect as follows:	
Section 1	<i>October 1, 2002</i>
Sec. 2	<i>October 1, 2002</i>
Sec. 3	<i>October 1, 2002</i>

**JUD**      *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

### **OFA Fiscal Note**

#### **State Impact:**

Fund-Type	Agency Affected	Current FY \$	FY 03 \$	FY 04 \$
GF - Cost	Judicial Dept.	-	500,000	650,000
FF - Less: Federal Reimbursement		-	(297,000)	(396,000)
Net State Cost		-	203,000	254,000

Note: GF=General Fund; FF=Federal Fund

**Municipal Impact:** None

#### **Explanation**

The bill increases by four the number of family support magistrates. The current salary for this position is \$103,569. The annual cost of this increase is \$600,000 (including salaries, fringe benefits<sup>1</sup>, and associated expenses). Because this cost relates to support enforcement, sixty six per cent of it would be reimbursed by the federal government. This reimbursement would be credited to the General Fund.

The bill also raises the maximum allowable compensation for senior judges and state referees who commenced service after 1981 to the amount established for those who commenced service before 1981. The total potential cost is about \$150,000 if all eligible judges worked the maximum number of days, but the cost of the change is likely to be significantly less – approximately \$50,000.

#### **Maximum Allowable Compensation Increased**

Retired judges who commenced service prior to 1981 are allowed to make about \$5,100 more on average than those who retired after 1981

<sup>1</sup> Fringe benefits are included in the Miscellaneous Appropriations to the Comptroller not individual agencies.

based on the current allowable maximums for both groups of judges. See Table 1 for a summary of the key cost figures involved.

Table 1: Summary of Cost Figures Related to Commission Proposal	
Total Current Maximum Allowable Compensation <sup>2</sup>	\$1,382,230
Total Current Per Diem Payments <sup>3</sup>	955,740
Amount Below Current Maximum <sup>4</sup>	426,490
Potential Cost of Compensation Commission Proposal <sup>5</sup>	\$154,099

In FY 01, 36 retired judges who commenced service after 1981 received a total of \$955,740 in per diem payments. If all of these judges worked up to the level of their current maximums, it would cost another \$426,000 for a total of \$1,382,230. If all of these judges worked up to the level of the maximum under the bill, it would require \$154,000 above the \$426,000.

However, since most of the post-1981 judges are not receiving compensation near the level of the current cap, it is unlikely that there would be a significant increase in the total number of per diems paid out. Only six of these judges were compensated at the maximum level possible. Another three judges were within \$1,000 of the current maximum. If all nine of these judges decided to work up to the proposed maximum, it would cost \$49,166, significantly less than the \$154,099 maximum or potential cost. However, more judges may be persuaded by the higher cap to work additional days.

### **Associated Impact of Senate Bill 21**

The cost of the bill's provision raising the number of family support magistrates would increase upon passage of SB 21, "An Act

<sup>2</sup> Based on FY 01 data for retired judges who commenced service after 1981

<sup>3</sup> Id.

<sup>4</sup> Additional cost if all judges worked the maximum possible number of their current allowable days

<sup>5</sup> Additional cost beyond #3 if all judges worked to the new maximum allowable levels

Implementing the Governor's Budget With Respect to the Judicial Branch," which implements a salary increase for family support magistrates over FY 04 and FY 05. The FY 04 cost for this provision would be an additional \$50,000 upon passage of SB 21.

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**OLR Bill Analysis**

sHB 5460

***AN ACT CONCERNING FAMILY SUPPORT MAGISTRATES AND SENIOR JUDGES AND REFEREES*****SUMMARY:**

This bill increases, from nine to 13, the number of family support magistrates allowed by law. It also increases how much retired judges can earn each year, by permitting their combined per diem pay and retirement benefits to equal the salary for active judges. Currently, their combined annual earnings can be no more than the highest judicial salary they earned before retirement.

EFFECTIVE DATE: October 1, 2002

**BACKGROUND*****Family Support Magistrates***

Family support magistrates are quasi-judicial officers appointed by the governor for three-year terms. They establish, modify, and enforce child and spousal support orders and hear paternity cases involving families who have applied for state child support collection assistance or cash assistance.

***Retired Judges***

In addition to their pensions, retired judges (senior judges and state referees) are paid \$200 per day, plus expenses for each day they work. Senior judges are judges who retire from full-time service before reaching age 70 and continue to hear matters the chief justice or court administrator assigns to them. Judge trial referees are judges who retired at age 70 who the chief justice has designated to hear certain cases.

**COMMITTEE ACTION**

Judiciary Committee

Joint Favorable Substitute

Yea 40      Nay 0